

REMARKS

The Examiner has relied on Begley GB2384967, to hold Claims 5 and 8 to be anticipated under 35 U.S.C. 102. It is submitted that Begley clearly does not disclose the nail trimming belt and exercise wheel according to the invention and that only a perverted interpretation of Claim 5 would allow one to find the claim anticipated. Begley is directed to a tread made of a semi-rigid card which fits around the outside of an exercise wheel, apparently to enable small animals to use the wheel more easily without any danger of slipping or falling through the open framework comprising the exercise wheel. There is no teaching or suggestion that the card can be placed on the interior cylindrical surface of the exercise wheel as claimed or that the card may be made of an abrasive material suitable for filing the rodent's nails.

In order to better define the invention, Claim 5 has been amended. The amended Claim 5 defines an assembly of a nail trimming belt and exercise wheel consisting of a nail trimming belt and an exercise wheel. The exercise wheel defines an interior cylindrical surface and the nail trimming belt has a first outer layer of high friction slip resistant material disposed on this interior cylindrical surface of the exercise wheel. Clearly, Claim 5 does not provide for the first layer of high friction slip resistant material to comprise the wires of the wheel as submitted by the Examiner with reference to Begley and original Claim 5. The nail trimming belt and the exercise wheel are distinct structural features.

It will be appreciated that Begley provides a tread consisting of a semi-rigid length of card that is fitted to the outside of an existing circular frame. There is very little additional information regarding the nature of the tread. However, the problem addressed by Begley is that the existing circular frame consists of an open framework where "the animals are restricted to precise movements to gain full rotation of the wheel". In other words, it is submitted that if the animals have a stride which does not match the supporting framework, they can slip between wires comprising the framework and fall or injure themselves. The tread is therefore a backing which blocks the spaces formed by the frame in order to


prevent injury. There is no suggestion that the tread could be placed on the interior cylindrical surface of the existing circular frame or that the tread could serve any other purpose such as a nail trimming function.

The Examiner has located a secondary reference US 6,332,431 to Brown which provides a bird perch providing a sandpaper covering for trimming a bird's nails. The sandpaper covering is provided in the form of a sleeve for a rod-like bird perch and the sleeve has throughbores to ensure that the nails are only trimmed to a predetermined length so as to prevent over trimming and bleeding. While the Brown reference is indeed pertinent, it is not a suitable structure for trimming the nails of a rodent and there is no teaching of how the Begley reference could have been modified to incorporate the features of Brown in order to arrive at the invention.

It is submitted that the invention as defined in the amended claims provides a new structure which is also inventively different from both Begley et al and Brown and should therefore be considered patentable.

Favourable consideration of this application and its allowance are respectfully requested.

Respectfully submitted,



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